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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/727,038	12/04/2003	Kazuyuki Mitsuoka	33082M185	4856
7590 Smith, Gambrell & Russell 1850 M Street, N.W., Suite 800 Washington, DC 20036		02/27/2007	EXAMINER SELLMAN, CACHET I	
			ART UNIT 1762	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		02/27/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/727,038	MITSUOKA ET AL.
	Examiner Cachet I. Sellman	Art Unit 1762

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 12 December 2006.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1,2,8,9,13,14 and 20-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-2, 8-9, 13-14, 20-32 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

Acknowledgement is made of the amendment filed by the applicant on 12/12/2006, in which claims 1,2,8-9,13-14 and 20-21 were amended, claims 3-7, 10-12, 15-19, and 22-24 were cancelled and claims 25-32 were added. Claims 1-2, 8-9, 13-15, 20-12, and 25-32 are currently pending in U.S. Application Serial No. 10/727,038.

### *Response to Arguments*

1. Applicant's arguments filed 12/12/2006 have been fully considered but they are not persuasive. In regards to the rejection of claims 14, 16-18 and 22 over Róss (US 2001/0000415 A1), the applicant argues that the examiners position that the electron beam processing conditions are result effective variables is false because "changing the pressure of the rare gas atmosphere during the modifying step as described in claims 13 and 14 ensures that the SOD film is cured and made hydrophilic satisfactorily." However, in the specification [page 11, lines 16-25] the applicant states that the process can be performed where the pressure/ voltage of the EB process is fixed and that the EB curing process "can be" divided into a first and second stage therefore performing the process in two stages is not critical since applicant states it can be performed without modifying the pressure/ voltage. In examples 4-6 [page 18, lined 31 – Table 2 pg 20] of the application, the applicant runs the process three different times using three different pressures and show how the higher pressure used results in a lower contact angle, this example proves that the pressure (process parameter) is result effective because it has a direct affect on the contact angle (wetability of the organic film/ adhesion) therefore the examiner will maintain the previous rejection.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 13-14, 20-25, and 30-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ross (US 2001/0000415 A1).

Ross discloses a process for forming an inorganic film on a surface of an organic film on a substrate in a processing vessel [0040] by modifying the organic film and imparting an affinity for the inorganic film by curing with electron beams in a rare gas atmosphere and forming an inorganic film over the organic film [abstract, 0039-0042]. The curing takes place in an electron beam irradiation device [0041].

Ross does not teach that the modifying step has a change in pressure where a first pressure is used during the curing of the film and a second pressure that is higher than the first where the first pressure is below 1 torr and the second is above 1 torr as required by **claims 13, 14 and 31** or that a first voltage is applied at the curing step and a second voltage that is lower than the first is applied at the imparting step as required by **claims 20-21 and 30** or that the first voltage is above 20kV and the second is 20kV or below as required by **claim 32**.

Art Unit: 1762

However, Ross does teach that there is a difference between process conditions when just curing the film versus curing and treating the film [0040-41]. Ross also teaches that one having ordinary skill in the art can adjust the process conditions in order to treat the surface i.e. improve affinity for the inorganic film on the organic film [0041]. Therefore the pressure is a result effective variable. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the conditions to be within the claimed range in order to remove the moisture and particles on the surface and to prepare it for subsequent layers especially absent any criticality in using the conditions in the claimed range.

Ross teaches that the substrate temperature can be from 25 – 1050°C [0040].

Ross does not teach the pressure or the exact temperature range of **claim 25**. However, as stated above the process parameters are result effective variables therefore it would have been obvious to one having ordinary skill in the art to modify the process parameters within the claimed range through routine experimentation in order to remove the moisture and particles on the surface (i.e. increase affinity for subsequent layers) especially absent any criticality in using the conditions in the claimed range.

Art Unit: 1762

4. Claims 1-2, 8-9 and 26-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gallagher et al. (US 2002/0123240 A1) in view of Ross (US 2001/0000415 A1) and Angelopoulos et al. (US 6420088 B1).

Gallagher et al. discloses a process of applying a liquid film to the surface of an organic film by modifying the organic film by curing in an oxidizing atmosphere without the use of UV radiation [0012] to impart an infinity for the liquid coating ([0032] and abstract) and then applying the liquid coating to the organic film. Gallagher et al. teaches that the process can be performed in an argon/oxygen atmosphere [0031].

Gallagher et al. does not disclose the use of electron beams, that the liquid film is polar, or that the modifying step comprises curing at a first pressure and voltage and imparting affinity at a second pressure higher than the first and a second voltage as required by **claims 1 and 26**.

Ross discloses a process of treating the surface of dielectric films for subsequent deposition by curing using electron beam exposure. The dielectric film can be a silicon containing polymer such as a silsesquioxane polymer [0027]. The layer is formed on the substrate and is then cured using electron beam exposure. The exposure can be formed in a gaseous ambient of any combination of nitrogen, hydrogen, argon, or oxygen [0041].

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the process of Gallagher et al. to include the use of electron beams to cure and modify the layer. One would have been motivated to do so because both disclose processes of curing and modifying a silsesquioxane layer in an atmosphere of argon/oxygen without the use of UV light and Ross further discloses that using the electron beam removes all moisture and contaminants from the surface of the silsesquioxane layer and provides a surface treatment so the other layers will adhere to it therefore one would have a reasonable expectation of success in curing and modifying the layer.

Angelopoulos et al. discloses antireflective/hardmask compositions that are used in lithographic process for electronic devices (abstract), where the layer provides outstanding optical, mechanical and etch selectivity properties and to configure underlying materials such as semiconductor layers (abstract). The composition contains a polymer having SiO moieties (column 3, line 8) and a solvent such as propylene glycol monomethyl ether acetate, cyclohexanone, and ethyl cellosolve acetate (column 7, lines 1-6).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the process of Gallagher et al. to include using the antireflective/hardmask composition of Angelopoulos et al. One would have been motivated to do so because Gallagher et al. teaches that process is performed to

improve the adherence of a photoresist or antireflective layer to the organic film [0006, 0013, 0032] and Angelopoulos et al. teaches that the antireflective/hardmask composition provides outstanding etch selectivity, optical and mechanical properties therefore one would have a reasonable expectation of success in forming the layer.

In regards to the limitations directed towards the process parameters, using a first pressure and a second pressure higher than the first (**claim 1 and 26**), the first pressure is below 1 torr and the second is 1 torr or above (**claim 2, 26**), a first voltage is applied during the curing step and a second voltage lower than the first is applied during the imparting step (**claim 8**), the first voltage is above 20kv and the second is 20kv or below (**claim 9, 28**), and using a second pressure of 2-10 torr at a substrate temperature of 200-400°C.

However, Ross teaches that the substrate temperature can be from 25 – 1050°C [0040]. Ross also teaches that there is a difference between process conditions when just curing the film versus curing and treating the film [0040-41] and one having ordinary skill in the art can adjust the process conditions in order to treat the surface i.e. improve affinity for the inorganic film on the organic film [0041]. Therefore the pressure is a result effective variable. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the conditions to be within the claimed range in order to remove the moisture and particles on the surface and to prepare it for

Art Unit: 1762

subsequent layers especially absent any criticality in using the conditions in the claimed range.

***Conclusion***

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cachet I. Sellman whose telephone number is 571-272-0691. The examiner can normally be reached on Monday through Friday, 7:00 - 4:30pm.

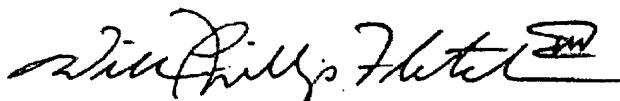
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy Meeks can be reached on 571-272-1423. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1762

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Cachet I Sellman  
Examiner  
Art Unit 1762

cis



William Phillip Fletcher III  
Primary Examiner  
Art Unit 1762